

October 1, 2024

Via PACER

Hon. J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square, Courtroom 706
New York, New York 10007

Re: *Lehrman, et al. v. Lovo, Inc.*, Case No. 24-cv-03770-JPO
Letter Motion – Set Briefing Schedule (Motion to Dismiss)

Dear Judge Oetken:

We represent defendant Lovo, Inc. (“Lovo”) in the above-referenced action. We are writing pursuant to Rule 3(c) of the Court’s Individual Rules and Practices in Civil Cases respectfully seeking (a) an extension of time to move, respond, or otherwise answer the Amended Complaint; and (b) an agreed briefing schedule for an anticipated motion to dismiss the Amended Complaint.

Pursuant to the August 12, 2024 Case Management Plan and Scheduling Order (ECF 21), Plaintiffs filed their Amended Complaint on September 25. As stated in the August 7 joint letter sent to the Court by both parties (ECF 19) (“August 7 Letter”), Defendant is “likely to move to dismiss this amended complaint”. The parties also informed the Court then that “Plaintiffs and Defendant have agreed upon a schedule for this motion subject to the Court’s approval and assuming that the Court grants Plaintiffs’ request to file their amended complaint within 45 days (motion to dismiss to be filed by November 25, 2024; opposition to be filed by January 10, 2025; and a reply to be filed by January 31, 2025).” *Id.* This proposed schedule was discussed with the Court at the August 12 Telephonic Initial Pretrial Conference.

The current deadline for Defendant Lovo to move, respond, or otherwise answer the Amended Complaint is October 9, 2024. Defendant respectfully requests that its time to move, respond, or otherwise answer the Amended Complaint be extended to November 25, 2024. As noted in the August 7 Letter, Plaintiffs agree with this request.

Defendant respectfully further requests on behalf of both parties that Plaintiffs’ opposition to any motion to dismiss be filed by January 10, 2025, and Defendant file its reply in further support of any motion to dismiss by January 31, 2025. This schedule will, among other things, permit both parties sufficient time to appropriately address the many issues raised by the Amended Complaint. Additionally, as noted in the August 7 Letter, “the parties have attempted to create a schedule and proposed dates that consider the various Jewish holidays between October 3, 2024, and October 25, 2024, to avoid creating deadlines during or immediately following that period.”

No prior requests for an extension of these deadlines have been made. There are no other deadlines in this case that can be impacted or are impacted by this extension.

Defendant thanks the Court for its consideration of this request.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael S. Lazaroff", written in a cursive style.

Michael S. Lazaroff

Cc: All counsel of record (via ECF)